

Notice of Allowability

Application No.

09/519,245

Examiner

Jeffrey D. Carlson

Applicant(s)

KANOJIA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 8/9/04.
2. ☒ The allowed claim(s) is/are 1,5-10 and 12-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

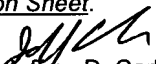
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date see #9
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.


Jeffrey D. Carlson
Primary Examiner
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Continuation of Attachment(s) 9. Other: Re: # 3 - IDSs attached include: 8/12/03, 4/8/04, 11/2/04, 10/26/05.

Allowable Subject Matter

1. Claims 1, 5-10, 12-24 are allowed.

2. The following is an examiner's statement of reasons for allowance:

The closest pieces of art are the Khoo et al, Rosser and Marsh et al references applied in the most recent rejection as well as recently cited Tso et al reference (US6047327). Khoo et al and Rosser teach the content targeting limitations as detailed in the latest rejection. However, Marsh et al and Tso et al which are most relevant regarding the particular scheduling requirements of the claims, fail to suggest the download and activation scheduling claimed. Claim 1 requires messages to be sent to the client which detail not only the targeted content, but scheduling information regarding when the content is to be downloaded and when it is to be activated. In particular, upon the client receiving the message, a connection is automatically (without user interaction) made to download the content. Subsequently, the client automatically (without user interaction) activates the content according to activation scheduling information present in the delivered message. Marsh et al describes targeted content "scheduling," but as column 16 reveals, such is more of a prioritizer which downloads prioritized content when the user decides to make a connection to the server. This is not the scheduling of automated download claimed by applicant and this also is not the scheduling of automated activation claimed, both of which are accomplished by delivery and processing of the scheduling message. Tso et al teaches targeted content sent to the user, however there is no scheduling of downloading, nor scheduling of subsequent

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activation. Column 11 lines 7-12 and column 14 lines 16-35 fail to teach predefined scheduling messages which determine when to download and when to activate. The infobite "awakening/activation" on column 11 lines 7-12 appears to describe infobites/infocasts which are entered in the server, but not set to appear for publication/distribution until an awakening time. This differs from the instant activation in that the instant activation occurs on the client. Claim 10 is similarly analyzed in terms of scheduling of downloading and activation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Mon-Fri 8a-5:30p, (work from home on Thursdays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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